

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**LAWRENCE LANDRUM,**

**Petitioner,**

**-vs-**

**CARL S. ANDERSON, Warden,**

**Respondent.**

**Case No. 1:-96-CV-641**

**District Judge Thomas M. Rose**

**Chief Magistrate Judge Michael R. Merz**

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**ENTRY AND ORDER OVERRULING PETITIONER LANDRUM'S OBJECTIONS (Doc. #207) TO THE CHIEF MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #205); OVERRULING RESPONDENT WARDEN ANDERSON'S OBJECTIONS (Doc. #208) TO THE CHIEF MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #205); ADOPTING THE CHIEF MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #205) IN THEIR ENTIRETY GRANTING A CONDITIONAL WRIT OF HABEAS CORPUS; AND TERMINATING THE CASE**

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This matter is before the Court pursuant to Petitioner Lawrence Landrum's Limited Objections and Appeal To the Limited Report and Recommendation of November 1, 2005 (doc. #207) and Respondent's Objections To and Appeal From the Chief Magistrate Judge's Report and Recommendation That a Conditional Writ of Habeas Corpus Be Granted (doc. #208). Responses have been filed to both of these Objections (doc. #209, 210) and Lawrence Landrum has filed a Reply to his Objections (doc. #211). The Report and Recommendations addresses Lawrence Landrum's Petition for a Writ of Habeas Corpus filed on June 26, 1996, and two subsequent Amended Petitions.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds

that Lawrence Landrum's objections to the Magistrate's Report and Recommendations are not well taken and they are hereby OVERRULED. The Court also finds, upon said review, that Warden Anderson's objections to the Magistrate Judge's Report and Recommendations are not well taken and they are hereby OVERRULED. Accordingly, the Chief Magistrate Judge's Report and Recommendations is ADOPTED in its entirety.

Lawrence Landrum is granted a Conditional Writ of Habeas Corpus commanding his release from custody unless within 180 days from the entry of final judgment in this case, he is again convicted and sentenced to death at trial at which the Coffenberger testimony is admitted in the guilt phase. In all other aspects, Lawrence Landrum's Petition for a Writ of Habeas Corpus is denied on the merits. The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

**DONE and ORDERED** in Dayton, Ohio, this Seventeenth day of April, 2006.

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record